

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-THIRD LEGISLATIVE DAY
THURSDAY, MARCH 1, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Goedde, absent and formally excused by the Chair; and Senators Andreason, Bair, Cameron, Hammond, and Werk, absent and excused. [District 10 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Kyle Son, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 29, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Werk and Hammond were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 125

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND ENDORSING AND ENCOURAGING GOVERNOR C.L. "BUTCH" OTTER IN HIS EFFORTS MOVING FORWARD WITH THE GOVERNOR'S SAGE-GROUSE TASK FORCE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, in March of 2010, the U.S. Fish and Wildlife Service determined that listing greater sage-grouse as a threatened or endangered species under the federal Endangered Species Act ("ESA") was warranted, but precluded by higher priority listing actions. Sage-grouse are now classified as "warranted but precluded"; and

WHEREAS, Governor C.L. "Butch" Otter has emphasized the great need to conserve the species and its habitat while maintaining other multiple uses of Idaho's public lands; and

WHEREAS, the U.S. Fish and Wildlife Service will be required to reevaluate the status of the species throughout its eleven-state western range by September 30, 2015; and

WHEREAS, Governor Otter has acknowledged this timeline provides Idaho an opportunity to continue and improve the good work Idaho has already been doing towards precluding the need to list the species. The Governor has noted that, over the past ten years, Idaho has developed a Sage-Grouse Conservation Plan, and funding has been provided for the twelve Sage-Grouse Local Working Groups to provide on-the-ground conservation measures. The Governor states that through this work we have halted the decline and are now seeing a gradual increase in some of Idaho's sage-grouse populations; and

WHEREAS, Governor Otter desires to ensure that Idaho has a sound, science-based plan that will provide for the bird's sustainability in Idaho, preclude a listing under the ESA, assure predictable uses of Idaho's public lands and enable Idaho citizens to participate in the process. With those goals in mind, Governor Otter will be forming a Governor's Task Force on Idaho Sage-Grouse; and

WHEREAS, Governor Otter has established specific goals for the Idaho plan, which goals include the drafting of a plan for the greater sage-grouse to exempt the state from compliance with the National Bureau of Land Management's Instruction Memorandum guidance, to provide a mechanism to preclude the need to list the species under the ESA, and in the event of listing, to minimize the impact to and provide regulatory certainty for, the use of permitted and lawful activities on public land; and

WHEREAS, Governor Otter has also established objectives of the task force in development of a plan that is biologically-driven, legally defensible and politically palatable, centered on conserving the species and its habitat while maintaining predictable levels of land use and the result of input from a diverse group of stakeholders. Additional objectives will include the ability of the plan to be incorporated into the Bureau of Land Management's Resource Management Plans (RMPs) and the U.S. Forest Service's Land Management Plans (LMPs) consistent with the requirements of the National Environmental Policy Act (NEPA), calibrated to meet the "adequate regulatory mechanism" standard under the ESA, and built on, to the extent possible, the great efforts provided by local sage-grouse working group plans and the current 2006 statewide plan for the species. The task force would also request and seek pertinent scientific information and technical expertise to inform the task force's deliberations regarding key sage-grouse habitat.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we endorse and encourage Governor C.L. "Butch" Otter in his efforts moving forward expeditiously with the Governor's Task Force on Idaho Sage-Grouse and request that the Governor report to the Pro Tempore of the Senate and the Speaker of the House of Representatives upon completion of the plan and to report on the work and progress of the task force to the 1st Regular Session of the 62nd Idaho Legislature.

BE IT FURTHER RESOLVED that we encourage the Governor's coordinated involvement of state agencies and offices with jurisdiction significantly affecting sage-grouse including, but not limited to, the Idaho Department of Fish and Game, the Idaho State Department of Agriculture, the Department of Lands, the Department of Parks and Recreation, the Office of Energy Resources and the Office of Species Conservation.

BE IT FURTHER RESOLVED that we encourage the coordinated involvement with neighboring states in their response to the Bureau of Land Management and the U.S. Forest Service guidance and policy proposals. We further request

that the Governor consider the appropriate use of the state's Constitutional Defense Fund to defend the state's interest in the management of its resources, including both its lands and its wildlife. The Legislature also encourages Attorney General Lawrence G. Wasden and the Office of the Governor to continue vigorous defense of Idaho's interests by actively intervening in federal litigation affecting sage-grouse.

SCR 126
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES UNDER ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES FOR CALLING A CONVENTION FOR PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION LIMITED TO SPECIFIC SUBJECTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature of the State of Idaho hereby makes Application to the Congress of the United States as follows:

SECTION 1. The Legislature of the State of Idaho hereby makes Application to the Congress of the United States under the provisions of Article V of the Constitution of the United States, for the call of a convention for proposing amendments to the United States Constitution.

SECTION 2. This Application is for a convention limited to considering and proposing amendments to the Constitution of the United States on the following subjects:

1. Improving the fiscal management of the federal government by doing any combination of any or all of the following:

- (a) Imposing requirements, with any stated conditions and/or exceptions, that federal expenditures during a fixed time period not exceed federal revenues or anticipated revenues during that time period;
- (b) Imposing either or both of the following:
 - (i) Prohibitions on the amount and/or other aspects of the federal debt.
 - (ii) Limits on the amount and/or other aspects of the federal debt.

(c) Imposing limits with any stated requirements and/or conditions on federal expenditures, revenue, and/or taxes or any combination of any or all of these.

2. Improving the legislative process by requiring any combination of any or all of the following:

- (a) That all bills, orders, votes, and resolutions introduced in and passed by Congress contain only a single subject.
- (b) A minimum time period before passage for bills, orders, votes and resolutions to be reviewed by members of Congress and members of the general public.

3. Restraining Congress from exercising its power beyond the defined, limited, and enumerated powers set forth in the Constitution by doing any combination of any or all of the following:

- (a) Prohibiting Congress from employing its spending power to regulate activities of any state, subdivision of any state, or any official thereof, unless the federal government fully funds the cost of compliance.
- (b) Prohibiting Congress, with stated conditions and/or exceptions, from exercising its powers under Article I,

Section 8, Clause 3 (the "Commerce Clause") to do the following:

- (i) To mandate or regulate activities and/or conduct of primarily an intrastate nature or having primarily an intrastate effect.
- (ii) To mandate non-extant conduct or activities thereby restricting such power to regulation of existing conduct or activities.
- (iii) To own, manage, or regulate any and/or all wildlife located in any state without the express consent of the state in which such wildlife is located.

4. Restoring the balance to federalism by providing that the legislatures of two thirds of the states can repeal any federal law or regulation.

5. Re-enforcing the right to bear arms as a fundamental right of every citizen of the United States and that the exercise of this right, with any stated conditions and/or exceptions, shall not be subject to licensure, registration, or taxation.

6. Eliminating and/or curtailing, with any stated conditions and/or exceptions, any and/or all of the benefits and pensions, present and/or past, provided by the federal government to members of Congress.

7. Eliminating and/or curtailing, with any stated conditions and/or exceptions, any and/or all federal lobbying activities of members of Congress for a period of time after they leave office.

WHEREAS, this Application shall be deemed an Application for a convention under the provisions of Article V of the Constitution of the United States to address each and/or any of the subjects in Section 2. For purposes of the determining whether two thirds of the states have applied for such a convention addressing any subjects in Section 2. of this Application, the subjects set forth in this Application are severable and any said subject is to be aggregated with any like subject in any applications of any other state legislatures for the purpose of calling such a convention.

WHEREAS, this is a continuing Application and remains in effect until rescission by any sitting session of the legislature of this state. This Application does not constitute a recognition that any particular activity or activities currently undertaken by the federal government is or are authorized by the Constitution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Secretary of State is hereby directed to transmit copies of this Application to the President and Secretary of the United States Senate, the Speaker and Clerk of the House of Representatives of the United States Congress, the Archivist of the United States, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative chambers in the several states, requesting their cooperation.

SJM 105
BY STATE AFFAIRS COMMITTEE
A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the failure of Congress to reexamine, reform and reauthorize our nation's major environmental laws, particularly the Endangered Species Act and the National Environmental Policy Act, has resulted in a court takeover of species and public land management responsibilities; and

WHEREAS, Congress has failed to reclaim its constitutional role over the management of species and public lands from overzealous federal agencies and an activist federal judiciary; and

WHEREAS, the federal Equal Access to Justice Act continues to authorize the expenditure of countless taxpayer funds to pay attorney's fees for the management of federal public lands and species through the courts; and

WHEREAS, the same organizations that receive taxpayer funds for lawsuits via the Equal Access to Justice Act are forcing federal agencies, through the courts, to vastly expand the number of protected species and habitats regardless of whether a species has been added to the federal listing for Endangered or Threatened Species or is deserving of such protection; and

WHEREAS, the listing, or potential listing, of species including wolves, sage grouse and slickspot peppergrass pose a direct threat to the economic livelihood of ranchers across the State of Idaho; and

WHEREAS, the vast expansion of listed species has the potential to cause immeasurable financial harm to the economy of Idaho and severely curtail recreational opportunities across the state; and

WHEREAS, additional federal laws such as the National Wildlife Refuge System Improvement Act are causing increased and unnecessary regulatory burdens on local communities, resource users, recreationalists and the economy of host regions; and

WHEREAS, the U.S. Fish and Wildlife Service is considering dramatic new regulatory constraints on the enjoyment of man-made water bodies such as Lake Lowell and Lake Walcott; and

WHEREAS, the U.S. Fish and Wildlife Service is considering new regulations and constraints on hundreds of thousands of acres in Boundary and Bonner Counties for caribou without adequate scientific justification; and

WHEREAS, federal authorization for the Endangered Species Act expired on October 1, 1992; and

WHEREAS, federal, state and local governments are enjoined in constitutional duty and fiduciary responsibility to provide all available remedies to protect the economy, customs, culture, public safety and public health of the citizenry; and

WHEREAS, Idaho's federal legislators have long recognized and championed reforms to the Endangered Species Act, the National Environmental Policy Act and the Equal Access to Justice Act that would limit the role of the courts in the management of species and public lands and recognize the important role that states and local units of government should play in species and land management decisions.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge Congress to reexamine, reform and reauthorize the Endangered Species Act, the National Environmental Policy Act, the Equal Access to Justice Act and any other federal law that disrespects the role of states and local governments in land management decisions and leads to costly and frivolous lawsuits that strip authority from Congress and place it in the hands of the judiciary.

BE IT FURTHER RESOLVED that the Senate and the House of Representatives of Idaho call on the President of the United States of America to forcefully direct his federal land

management agencies to utilize free market principles such as cost-benefit analysis and peer review of the science involved in their decision making and respect the concept of multiple use in the management of federal lands.

BE IT FURTHER RESOLVED that the Senate and the House of Representatives of Idaho call on our congressional delegation to urge all federal land management agencies to use their discretionary authority to maximize the role and influence of local communities in federal land management decisions.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[SCR 125](#), [SCR 126](#), and [SJM 105](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 1, 2012

The JUDICIARY AND RULES Committee reports that [S 1358](#), [S 1359](#), [S 1360](#), and [S 1361](#) have been correctly printed.

DARRINGTON, Chairman

[S 1358](#) was referred to the Judiciary and Rules Committee.

[S 1359](#), [S 1360](#), and [S 1361](#) were referred to the Finance Committee.

February 29, 2012

The HEALTH AND WELFARE Committee reports out [S 1293](#) with the recommendation that it do pass.

LODGE, Chairman

[S 1293](#) was filed for second reading.

February 29, 2012

The FINANCE Committee reports out [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), and [S 1354](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), and [S 1354](#) were filed for second reading.

February 29, 2012

The JUDICIARY AND RULES Committee reports out [H 484](#), [S 1338](#), and [S 1341](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[H 484](#), [S 1338](#), and [S 1341](#) were filed for second reading.

February 29, 2012

The JUDICIARY AND RULES Committee reports out [S 1337](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, [S 1337](#) was referred to the Fourteenth Order of Business, General Calendar.

February 29, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [S 1357](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

CORDER, Chairman

There being no objection, [S 1357](#) was referred to the Fourteenth Order of Business, General Calendar.

February 29, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 489](#) and [H 517](#) with the recommendation that they do pass.

CORDER, Chairman

[H 489](#) and [H 517](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Cameron was recorded present at this order of business.

February 29, 2012

Dear Mr. President:

I transmit herewith [H 541](#), [H 386](#), as amended, [H 488](#), as amended, [H 491](#), as amended, [H 479](#), as amended, [H 507](#), as amended, [H 485](#), as amended, [H 511](#), as amended, [H 439](#), as amended, [H 522](#), as amended, [H 520](#), as amended, [H 540](#), as amended, [H 512](#), as amended, [H 502](#), as amended, [H 564](#), as amended, and [HCR 39](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 541](#), [H 386](#), as amended, [H 488](#), as amended, [H 491](#), as amended, [H 479](#), as amended, [H 507](#), as amended, [H 485](#), as amended, [H 511](#), as amended, [H 439](#), as amended, [H 522](#), as amended, [H 520](#), as amended, [H 540](#), as amended, [H 512](#), as amended, [H 502](#), as amended, [H 564](#), as amended, and [HCR 39](#) were filed for first reading.

February 29, 2012

Dear Mr. President:

I transmit herewith Enrolled [HCR 33](#), [H 394](#), [H 438](#), [H 405](#), and [H 469](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 33](#), [H 394](#), [H 438](#), [H 405](#), and [H 469](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Andreason and Bair were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, [SCR 123](#) was placed before the Senate for final consideration at this time.

The President announced that [SCR 123](#) was before the Senate for final consideration.

Moved by Senator Winder, seconded by Senator Stennett, that [SCR 123](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [SCR 123](#) adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SJM 104](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Nuxoll, seconded by Senator Fulcher, [SJM 104](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1362

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO AN APPLICATION OF THE STATE OF IDAHO UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION FOR PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 93, TITLE 67, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR THE APPOINTMENT OF DELEGATES TO THE CONVENTION, TO PROVIDE FOR THE INSTRUCTION TO, SCOPE AND LIMITATION OF AUTHORITY OF, AND COMPENSATION OF SAID DELEGATES, TO PROVIDE DUTIES OF THE SECRETARY OF STATE AND TO PROVIDE A CITATION.

S 1363

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO UNCLAIMED PROPERTY; AMENDING SECTION 14-524, IDAHO CODE, TO ALLOW FOR DONATION OF ANY PROPERTY, PROCEEDS, INTEREST AND OTHER SUMS PAYABLE UNDER THE UNCLAIMED PROPERTY ACT TO CERTAIN ACCOUNTS AND FUNDS.

S 1364
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO THE PUBLIC UTILITIES COMMISSION; AMENDING CHAPTER 5, TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 61-542, IDAHO CODE, TO DEFINE THE AUTHORITY OF THE PUBLIC UTILITIES COMMISSION AND ITS JURISDICTION OVER THE ENVIRONMENTAL ATTRIBUTES OF PUBLIC UTILITY REGULATORY POLICIES ACT QUALIFYING FACILITIES AND TO PROVIDE FOR USE AND IMPLEMENTATION OF ENVIRONMENTAL ATTRIBUTES; AND DECLARING AN EMERGENCY.

S 1365
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO UNCLAIMED PROPERTY AND THE PUBLIC RECORDS ACT; AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE THAT PERSONAL INFORMATION RELATED TO UNCLAIMED PROPERTY IS EXEMPT FROM DISCLOSURE; AND AMENDING SECTION 9-340F, IDAHO CODE, TO PROVIDE THAT THE AUDIT METHODOLOGY OF THE UNCLAIMED PROPERTY PROGRAM IS EXEMPT FROM DISCLOSURE.

S 1366
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5220, IDAHO CODE, TO PROVIDE STATUTORY PROCEDURES FOR NEGOTIATED RULEMAKING; AMENDING SECTION 67-5221, IDAHO CODE, TO REVISE NOTICE FOR NEGOTIATED RULEMAKING, TO PROVIDE FOR AN AGENCY TO POST NOTICE OF RULEMAKING ONTO ITS WEBSITE IF THE AGENCY HAS A WEBSITE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1367
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1368
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1369
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO THE DIRECTORY OF NEW HIRES; AMENDING CHAPTER 16, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1608, IDAHO CODE, TO PROVIDE A CIVIL PENALTY FOR EMPLOYERS

FAILING TO REPORT THE HIRING OR REHIRING OF EMPLOYEES TO THE DEPARTMENT OF LABOR.

S 1370
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO THE CONTROL OF VENEREAL DISEASES; AMENDING SECTION 39-601, IDAHO CODE, TO REVISE THE ENUMERATED VENEREAL DISEASES; AND AMENDING SECTION 39-604, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXAMINATION OF CERTAIN CONFINED PERSONS FOR VENEREAL DISEASES, TO REMOVE THE REQUIREMENT THAT ALL PERSONS CHARGED WITH DRUG RELATED CHARGES SHALL BE TESTED FOR THE ENUMERATED VENEREAL DISEASES AND TO REVISE PROVISIONS THAT REQUIRE CERTAIN PERSONS TO BE TESTED FOR CERTAIN VENEREAL DISEASES.

[S 1362](#), [S 1363](#), [S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), [S 1368](#), [S 1369](#), and [S 1370](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 541](#), by Business Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 386](#), as amended, and [H 564](#), as amended, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

[H 488](#), as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 491](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 479](#), as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 507](#), as amended, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 485](#), as amended, by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 511](#), as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 439](#), as amended, and [H 502](#), as amended, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 522](#), as amended, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 520](#), as amended, by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 540](#), as amended, by Business Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 512](#), as amended, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

[HCR 39](#), by Education Committee, was introduced, read at length, and referred to the Education Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1231](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—Andreason. Total - 1.

Absent and excused—Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1231](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1317](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bock, Brackett, Broadsword, Cameron, Darrington, Fulcher, Hammond, Heider, Keough, Lodge, Malepeai, McKague, McKenzie, Smyser, Stennett, Toryanski, Werk, Winder. Total - 19.

NAYS—Bair, Bilyeu, Corder, Davis, Hill, Johnson, LeFavour, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Tippets, Vick. Total - 14.

Absent and excused—Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1317](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1255](#), as amended, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—LeFavour. Total - 1.

Absent and excused—Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1255](#), as amended, as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1294](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1294](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1323](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1323](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1344](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Broadsword disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1344](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Senate recessed at 12 noon until the hour of 4:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Andreason and Goedde, absent and formally excused by the Chair; and Senators Bair, Brackett, Cameron, Fulcher, Pearce, and Tippets, absent and excused. [District 10 seat is temporarily vacant.]

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Bair, Brackett, Cameron, Fulcher, and Tippets were recorded present at this order of business.

[S 1275](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Andreason, Goedde, Pearce. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1275](#) passed, title was approved, and the bill ordered transmitted to the House.

Senator Pearce was recorded present at this order of business.

[S 1332](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Andreason, Goedde. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1332](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1340](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Andreason, Goedde. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1340](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Hammond, granted by unanimous consent, [S 1295](#) retained its place on the Third Reading Calendar for Monday, March 5, 2012.

On request by Senator Davis, granted by unanimous consent, [S 1326](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1331](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Cameron disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Andreason, Goedde. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared [S 1331](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eighth Order of Business.

Messages from the Governor

March 1, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Jim Rice of Caldwell, Idaho, to the office of State Senator for Legislative District 10. The appointment is effective March 1, 2012.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR EXECUTIVE DEPARTMENT BOISE, IDAHO CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-904A, *Idaho Code*, the District 10 Legislative Committee of the Republican Party has submitted a list of three names for consideration in filling a vacancy in the Idaho State Senate.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Jim Rice of Caldwell, Idaho, to the office of State Senator, District 10, Canyon, State of Idaho, for a term commencing on March 1, 2012, and continuing until the next general election when the term of office expires.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this First day of March, in the year of our Lord two thousand and twelve and of the Independence of the United States of America, the two hundred and thirty-sixth year.

/s/ BY THE GOVERNOR C.L. "BUTCH" OTTER
/s/ SECRETARY OF STATE BEN T. YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:40 p.m. until the hour of 10 a.m., Friday, March 2, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary